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Francois Lacombe

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GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

EXAMINER

HASAN, MOHAMMED A

ART UNIT

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02/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 13 are reject under 35 U.S.C. 102(b) as being anticipated by Le Gargasson et al (6,588,900 B1).

Regarding claim 1, Le Gargasson et al discloses (refer to figures 1 and 2) sighting device for examining the eye (5) of a subject comprising at least moving target (CA,CB) having a programmable shape , target being displayed on viewing means and visible by at least one eye (5) of subject during the examination period (column 5, lines 55-67).

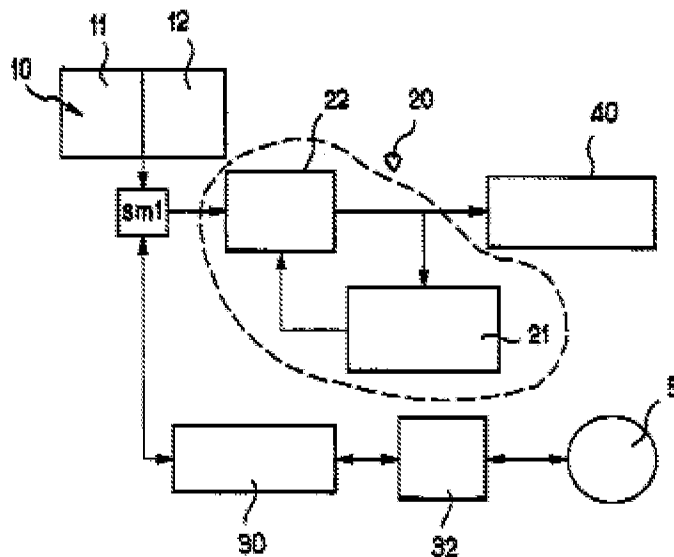


FIG. 1

Regarding claim 2, Le Gargasson et al discloses characterized in that it also comprises means for moving target so as to alternate fixation intervals on a given position with intervals termed rest on one or more other positions (as shown in figure 1).

Regarding claim 3, Le Gargasson et al discloses characterized in that it also comprises means for adjusting the duration of the fixation intervals (as shown in figure 1, moving target 20).

Regarding claim 4, Le Gargasson et al discloses characterized in that it also comprises means for adjusting the diversity of the rest positions (as shown in figure 1).

Regarding claim 5, Le Gargasson et al discloses characterized in that it also comprises means for adjusting the duration of the rest positions as shown in figure 1).

Regarding claim 6, Le Gargasson et al discloses characterized in that it also comprises means for controlling (22) a continuous movement of a moving target (as shown in figure 1).

Regarding claim 7, Le Gargasson et al discloses (refer to figures 1 and 2) sighting device for examining the eye (5) of a subject comprising a display on the viewing means during the examination period, of at least one moving target (CA,CB) having a programmable shape and trajectory and visible by at least one eye of subject(column 5, lines 55-67).

Regarding claim 8, Le Gargasson et al discloses characterized in that it also comprises means for moving target so as to alternate fixation intervals on a given position with intervals termed rest on one or more other positions (as shown in figure 1).

Regarding claim 9, Le Gargasson et al discloses characterized in that it also comprises means for adjusting the duration of the fixation intervals (as shown in figure 1).

Regarding claim 10, Le Gargasson et al discloses characterized in that it also comprises means for adjusting the diversity of the rest positions (as shown in figure 1).

Regarding claim 11, Le Gargasson et al discloses characterized in that it also comprises means for adjusting the duration of the rest positions (as shown in figure 1).

Regarding claim 12, Le Gargasson et al discloses characterized in that it also comprises means for controlling (21) a continuous movement of a moving target (as shown in figure 1).

Regarding claim 13, Le Gargasson et al discloses characterized in that the tracking of the movements of the eye to be examined is carried out by imaging using a non-visible spectrum (as shown in figure 2).

Allowable Subject Matter

2. Claims 14-18 are allowed.
3. The following is an examiner's statement of reasons for allowance: The prior art taken either singularly or in a combination fails to anticipate or fairly suggest the limitations of the independent claims, in such a manner that rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claim 14 , which include a system for examining the eye by in vivo tomography having a tomography device including a Michelson interferometer producing a full field optical coherence tomography OCT set up and arranged downstream of the interferometer capable of carrying out without synchronous modulation or detection according to OCT principle.

Response to Arguments

4. Applicant's arguments filed 12/10/2007 have been fully considered but they are not persuasive.
5. In response to applicant argument Le Gargasson et al discloses (refer to figures 1 and 2) sighting device for examining the eye (5) of a subject comprising at least moving target (CA,CB) having a programmable shape , target being displayed on

viewing means and visible by at least one eye (5) of subject during the examination period (column 5, lines 55-67) ,also figures 1 and 2 give detail description about moving target(CA,CB).

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L Mack can be reached on (571) 272- 2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2873

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammed Hasan/
Primary Examiner, Art Unit 2873
2/12/2008